

Judge Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROSIE MARIE COSTELLO, and  
PETE JAMES COSTELLO,

Defendants.

NO. CR06-5575RBL

~~(PROPOSED)~~

ORDER OF CONTINUANCE

Before this Court is a Stipulated Motion to Extend the Pretrial Motions Deadline and to Continue the Trial Date;

The Court finds, after a consideration of all relevant information and the circumstances of this case, that the ends of justice would best be served by the granting of this request for continuance. The ends of justice outweigh the best interests of the public and the defendant in having the matter brought to trial sooner.

The Court finds that the parties request to extend the deadline for pretrial motions should be GRANTED. The pretrial motions deadline scheduled for December 26, 2006, is VACATED. The pretrial motions deadline is continued to

April 2, 2007.

For all the reasons presented in the files and records herein, the Court finds that the parties stipulated request to continue the trial should be GRANTED. The trial date currently scheduled for February 5, 2007, is VACATED. Trial shall be rescheduled to

May 21, 2007. at 9:00 AM

1 Any and all period of delay resulting from the granting of this continuance, from  
2 the date of the filing of the parties stipulated request on January 11, 2007, until the date  
3 of the rescheduled trial, shall be excludable time pursuant to Title 18, United States  
4 Code, Section 3161(h)(1)(F) and (h)(8)(A), and the Court makes the following findings:

5 a. That the failure to grant such a continuance in this case would be  
6 likely to result in a miscarriage of justice;

7 b. That it is in the defendant's best interest to be aware of all of the  
8 potential charges against her, and have the opportunity to negotiate settlements on all of  
9 those charges;

10 c. That the failure to grant such a continuance in this case would deny  
11 counsel for the defendants and the government the reasonable time necessary for  
12 effective preparation, taking into account the exercise of due diligence, because of the  
13 nature of the prosecution, the existence of a significant amount of complex discovery,  
14 novel questions of fact and law, and commitments to other clients;

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1 d. That because of ongoing negotiations and other discovery matters it  
2 may be unreasonable to expect adequate preparation for pretrial proceedings or for the  
3 trial itself within the time limits established by Title 18, United States Code, Section  
4 3161. 18 U.S.C. § 3161(h)(8)(B)(ii).

5 IT IS SO ORDERED

6 DATED this 12<sup>th</sup> day of January, 2007.

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9 RONALD B. LEIGHTON  
United States District Judge

10 Presented by:

11 JOHN McKAY  
12 United States Attorney

13 By:

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